

KEITH L. CURETON,

Plaintiff,

vs.

UNNAMED DEFENDANT, et al.,

Defendants.

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on November 20, 2023, and that he was transferred away from Maury CI on November 22, 2023 “due to the seriousness of [his] filing complaint.”² [Doc. 21 at 1]. He asks the Court to research a prior § 1983 action that he filed in the Eastern District of North Carolina, Case No. 5:22-ct-3318, and to enter an order preventing the North Carolina Department of Adult Corrections (“NCDAC”) from transferring him back to Maury CI.

Preliminary injunctive relief is an extraordinary remedy afforded before trial at the discretion of the district court. In re Microsoft Corp. Antitrust Litig., 333 F.3d 517, 524-26 (4th Cir. 2003). It is an extraordinary remedy never awarded as of right. Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7, 24 (2008). In each case, courts “must balance the competing claims of injury and must consider the effect on each party of the granting or withholding of the requested relief.” Amoco Prod. Co. v. Village of Gambell, 480 U.S. 531, 542 (1987). To obtain a preliminary injunction, the plaintiff must establish (1) that he is likely to succeed on the merits; (2) that he is likely to suffer irreparable harm in the absence of preliminary relief; (3) that the balance of equities tips in his favor; and (4) that an injunction is in the public interest. Winter, 555 U.S. at 20. The Plaintiff has not established any of the elements that would warrant preliminary injunctive relief. Moreover, a prisoner has no constitutional right to choose his place of incarceration. See Meachum v. Fanno, 427 U.S. 215, 225 (1976); see, e.g., Olim v. Wakinekona, 461 U.S. 238, 246 (1983) (“Overcrowding and the need to separate particular prisoners may necessitate interstate transfers.”); O’Bar v. Pinion, 953 F.2d 74, 83 (4th Cir. 1991) (“Changes in [a] prisoner[’s] location ... are matters contemplated within the scope of his original

² The Plaintiff has not attached copies of the relevant documents to his present filing, and the Court was unable to locate them in a review of his federal litigation. It appears, to the contrary, that the Plaintiff’s prior requests to be transferred away from the Maury CI have been unsuccessful. See, e.g., 5:21-ct-3372-BO (E.D.N.C.), Doc. 25 at 1-2 (denying Plaintiff’s motion to be transferred away from Maury CI for medical treatment); 5:22-ct-3318-D, Docs. 25, 30 (E.D.N.C.) (granting Plaintiff’s motion for a transfer and other pending motions only insofar as he was allowed to amend his complaint, then dismissing the case and the motions for lack of prosecution); 5:22-ct-3329-BO, Doc. 17 (E.D.N.C.) (denying Plaintiff’s motion for preliminary injunctive relief alleging gang violence and retaliation).

sentence to prison.”). NCDAC has the broad discretion to designate an inmate’s place of incarceration and the Court declines to interfere in this matter of prison administration. Id. For all of these reasons, the Plaintiff’s present request will be denied.

IT IS, THEREFORE ORDERED that the Plaintiff’s “Emergency Matter ... Please Put a Stop to this Transfer to Maury Prison...” [Doc. 21] is construed as a Motion for Preliminary Injunctive Relief and it is **DENIED**.

Signed: December 23, 2024

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

